GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES – Animal Husbandry Department – Misappropriation of the Govt. funds by Dr. M. Srirama Murthy, Asst. Director (Animal Husbandry) Retd., while working at Pig Breeding Station, Muktyala, Krishna District – Disciplinary proceedings initiated under Andhra Pradesh Revised Pension Rules, 1980 r/w A.P. Civil Services (CCA) Rules, 1991 – Penalty of 5% cut in pension for a period of six (6) months – Orders – Issued.

ANIMAL HUSBANDRY DAIRY DEVELOPMENT & FISHERIES (Dy&Vig(2)) DEPARTMENT

G.O.MS.No. 28 Dated: 25-06-2016

Read the following:-

1. G.O.Ms.No.31, AHDD&F(Vig) Dept., Dt.24.06.2005.
2. Judgment dt.15.10.2009 of Hon'ble A.P. Administrative Tribunal, O.A.No.4460 of 2008.
3. Judgment dt.02.08.2013 of Hon'ble High Court in W.P.No.20246 of 2010.
4. From the Director of Animal Husbandry, A.P., Hyderabad, Lr.Roc. No.19041/VC/G1/2013, Dt.19.09.2013 along with representation of Dr. M. Sreerama Murthy, Retd., Assistant Director (AH).
5. Govt.Memo.No.4096/VS.1/2008, dated: 10.03.2014.
6. From the Head of the Department, Animal Husbandry, A.P., Hyderabad, Lr.Roc.No.19041/VC/G1/2013, Dt.04.10.2014.
7. Govt. Show cause Memo.No.4096/Dy&Vig(2)/2008, Dt.28.01.2015.
8. From the Head of the Dept., Animal Husbandry, A.P., Hyderabad, Lr.Roc.No.19041/VC/G1/2013, Dt.14.03.2016 along with explanation of Dr. M. Sreerama Murthy, Retd., Assistant Director (Animal Husbandry).
9. Govt.Letter.No.4096/Dy&Vig(2)/2008, dated: 10.05.2016.
10. From the Principal Secretary, A.P. Public Service Commission, Lr.No.989/RT/3/2008, Dt.15.06.2016

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ORDER:-

In the G.O. 1st read above, orders have been issued imposing punishment of "Dismissal from Service" against Dr. M. Sreerama Murthy, Assistant Director (Animal Husbandry), formerly at Pig Breeding Station, Muktyala, Krishna District, on the allegations of misappropriation of Government funds and keeping huge amount in his personal account.

2. Aggrieved by the above orders of the Government, Dr. M. Sreerama Murthy, Assistant Director (Animal Husbandry), filed an O.A.No.4460/2008 in the Hon'ble Tribunal and the Hon'ble Tribunal has passed the following orders, on 15.10.2009, vide reference 2nd read above:-

> "In view of the above, the impugned G.O.Ms.No.31, dated.24.06.2005 issued by the Government is set aside. The mater is remanded back to the disciplinary authorities with respect to examining the explanation given by the applicant on 27.04.2002 by the Enquiry Officer and to conclude the disciplinary proceedings and pass final orders within six months from the date of receipt of a copy of the orders. The applicant shall cooperative with the enquiry and the respondents are at liberty to pass exparte orders, if the applicant does not cooperative. If the enquiry is not completed within the time stipulated by this Tribunal, it will be deemed to have been closed. Accordingly, the O.A. is allowed. Pending finalization of the disciplinary proceedings, respondents shall pay provisional pension to the applicant from the date of his retirement and arrears from the date of retirement till date and other entitled amounts, in accordance with rules, within a period of eight weeks from the date of receipt of copy of this order".

3. After examining the matter, Government have filed an appeal before the Hon'ble High Court of Andhra Pradesh, against the orders dated: 15.10.2009 of the Tribunal in O.A.No.4460/2008. The Hon'ble High Court of Andhra Pradesh, in its Judgment, dated 02.08.2013 in W.P.No.20246/2010 issued orders dismissing the appeal filed by the Government, confirming the orders of the Tribunal passed in O.A.No.4460/2008, dated 15.10.2009, vide reference 3rd read above.

4. In the reference 5th read above, complying with the orders of Hon'ble High Court of Andhra Pradesh and as per the orders of A.P. Administrative Tribunal, Government, while furnishing the written statement of defense, dated 27.04.2002, submitted by the Charged Officer, the Director of Animal Husbandry, Hyderabad, was requested to examine and to communicate the same to Inquiring Authority to hold the enquiry afresh against the Charged Officer, Dr. M. Sreerama Murthy, Assistant Director (Animal Husbandry), formerly at Pig Breeding Station, Muktyala, Krishna District and submit detailed report with specific remarks to the Government, for taking further necessary action in the matter.

(PTO)

5. In the reference 6th read above, the Head of the Department, Animal Husbandry, Andhra Pradesh, Hyderabad has submitted enquiry report of the Joint Director (Animal Husbandry) Vijayawada, Krishna District, who has been appointed as Inquiry Officer to conduct enquiry afresh basing on the written statement of defense of the Charged Officer Dr. M. Sreerama Murthy, Assistant Director (Animal Husbandry). The Joint Director (Animal Husbandry), Vijayawada and Inquiry Officer has stated that, the records pertaining to this matter are not found either in Joint Director's Office or in the Office of the Assistant Director (Animal Husbandry), Pig Breeding Station, Muktyala. Among other things, it was concluded by the Inquiry Officer that, the Asst. Director (Animal Husbandry), Pig Breeding Station, Muktyala is not solely responsible for maintenance of all accounts, registers and records pertaining to the Accounts, the Junior Assistant is also equally responsible for the lapses. The Head of the Department, Animal Husbandry Department has also informed that, these irregularities happened during the year 1998-99 and 15 years have already been elapsed. The then Driver Sri Raghupathi has died and Veterinary Assistant Sri Veeraiah also retired from Government Service on superannuation. He has reported that the Accused Officer has identified the professional problems in the Farm and rectified the problems. He maintained clean and Green in the Farm and undertook repairs to electrical installations. The revenue through sale of Pig and young weaners improved and were estimated to go up Rs.5.00 lakhs per annum. The Accused Officer has taken special care to lemon gardens in the Farm and got highest lease amount of Rs.14,500/- which is highest since inception of the Farm. The Head of the Department, Animal Husbandry Department has reported that a sympathetic view may be taken in this matter.

6. After careful examination of the matter in detail, Government have decided to impose a penalty of 5% cut in pension for the period of six months against Dr. M. Sreerama Murthy, Asst. Director(Animal Husbandry), so that it will commensurate with the misconduct. Accordingly, a show-cause Memo has been issued to Dr. M. Sreerama Murthy, Asst. Director(Animal Husbandry) Retd., to explain / show cause as to why 5% cut in pension for a period of six months, should not be imposed against him under Rule 9(2)(a) of the Andhra Pradesh Revised Pension Rules, 1980 read with Andhra Pradesh Civil Services (CCA) Rules, 1991, within 15 days from the date of receipt of the Memo, vide reference 7th read above.

7. In the reference 8th read above, the Head of the Department, Animal Husbandry, Andhra Pradesh, Hyderabad has furnished the explanation of Dr. M. Sreerama Murthy, Asst. Director (Animal Husbandry)(Retd), to the Show cause Memo, wherein he was not adduced any valid grounds on his defense to re-consider the provisional decision taken by the Government.

8. Government have decided to impose a penalty of 5% cut in pension for a period of six months against Dr. M. Sreerama Murthy, Asst. Director (Animal Husbandry). Government have consulted the A.P. Public Service Commission, for their concurrence on the proposal, vide reference 9th read above.

9. In the reference 10th read above, the A.P. Public Service Commission have accorded their concurrence to impose a penalty of 5% cut in pension for the period of six months against Dr. M. Sreerama Murthy, Asst. Director (Animal Husbandry) Retd.

10. In supersession of the orders issued in the G.O. 1st read above and in exercise of the powers conferred under Rule 9(2) (a) of the A.P. Revised Pension Rules, 1980 read with Andhra Pradesh Civil Services (CCA) Rules 1991, Government hereby order to impose a penalty of 5% cut in pension for a period of six months against Dr. M. Sreerama Murthy, Asst. Director (Animal Husbandry) Retd.

11. The Head of the Department, Animal Husbandry, Andhra Pradesh, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Dr. M. Sreerama Murthy, Asst. Director (AH) Retd., S-7, Sowmya Apartments, Pandaripuram, 1st line, Ongole, Prakasam district,
Through the Head of the Department, Animal Husbandry, Andhra Pradesh, Hyderabad.
The Head of the Department, Animal Husbandry, Andhra Pradesh, Hyderabad.
Copy to:
The Accountant General, Andhra Pradesh, Hyderabad.

Contd -----

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.
The Pay and Accounts, Andhra Pradesh, Hyderabad.
The District Treasury Office, Krishna district.
The A.P. Vigilance Commission, A.P. Secretariat, Hyderabad.
The Principal Secretary, A.P. Public Service Commission, Andhra Pradesh, Hyderabad.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER